

REMARKS

It is requested that the foregoing amendment be entered since it reduces the number of claims and narrows the claims by incorporating the limitation of claim 21 into claim 1 and also into all other pending claims. The amendment places the claims in condition for allowance or at least reduces the issues on appeal.

The present invention is specific to the automatic back-up of control and set-up function information previously stored in the portable phone. This information is automatically backed-up by mere operation or use of the portable phone.

More particularly, the present invention is directed to method and apparatus for backing-up data set and stored in a portable telephone by automatically transmitting such previously stored data upon telephone call operation when a voice signal begins to be delivered and received between the portable telephone and a host office. The data is selected from the group consisting of control information and set-up function information as specifically set forth in the paragraph bridging pages 5 and 6 of the application. This limitation was originally presented in claim 21, and it is now been incorporated in all of the claims and claim 21 has been cancelled.

The transmitted data is stored in back-up equipment provided in or connected to the host office, and no specific equipment is required on the side of the portable telephone user. Accordingly, back-up is automatically done upon use of the telephone without additional steps by the phone user specific to the back-up operation. The control and set-up information is stored, without risk of loss if the portable phone breaks or is itself lost, as discussed in detail at pages 5 and 6 of the application.

The rejection of the claims as unpatentable over U.S. Patent 5,920,826 to Metso et al. ("Metso") in view of U.S. Patent 5,903,845 to Buhrmann et al. ("Buhrmann") in further view of U.S. Patent 5,929,752 to Janky et al. ("Janky") is in error and, and in any event, overcome by the foregoing claim amendments. As discussed below, there is no motivation for combining the teachings of the references and, even if the teachings are combined, they do not result in the claimed invention.

The deficiencies of the Metso and Buhrmann teachings are discussed in detail in the prior amendment and the Examiner's attention is again directed to the same.

As confirmed by the Examiner in the last paragraph at page 3 of the action, Metso and Buhrmann do not define automatically transmitting information of a mobile terminal

to a host phone when a voice signal of a call begins to be transmitted and received at the host office. Janky is cited as teaching a hand set which upon receipt or initiation of an outgoing conversation, records the conversation so that it can be played back at a later time. Thus, Janky teaches transmitting and recording of live conversation and not data, previously set and stored, selected from control information and set-up function information as set forth in all of the amended claims. Accordingly, the proposed combination of references fails to disclose or suggest the claimed invention.

As discussed above, one of the most important features of the claimed invention is to automatically transmit the data set and stored in the portable telephone to the host office when a voice signal begins to be delivered and received via radio signal. Thus, the voice signal is merely a trigger to the automatic back-up and not the subject matter of the back-up as in the Janky teaching. (This difference was particularly reviewed with the Examiner in the prior telephone discussion.) In this manner, the claimed invention automatically and positively achieves back-up of data by mere telephone use of the portable telephone.

The further rejections of various dependent claims are also deficient for the reasons set forth above and as well as those set forth in the prior amendment. In summary, Metso and Buhrmann do not disclose back-up of data in association with a telephone call operation with automatic data transmission when a voice signal of a telephone call is delivered and received. A further deficiency of the Metso teaching is that it cannot automatically accomplish back-up of data unless the portable terminal 402 is connected to the personal computer 400. In contrast, the portable telephone of the claims is not necessarily connected to the back-up equipment as required in the Metso teaching. These matters are discussed in detail in the prior amendment.

In the absence of the basic teachings in the prior art, there is no suggestion or basis for the combination of the cited references.

For all of the foregoing reasons, claims 1 - 20 and 22 and 23 are distinguished over the cited art and final allowance of such claims is requested.

If there are any further fees required by this
Amendment not covered by the enclosed check, or if no check
is enclosed, please charge the same to Deposit Account No.
16-0820, Order No. 34169.

Respectfully submitted,

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May 26, 2005

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